

GOVERNMENT OF TELANGANA
ABSTRACT

Public Servants – RWS&S – Allegations of irregularities in execution of CPWS schemes in Warangal District – Disciplinary action initiated against Sri V. Lingaiah, the then Executive Engineer, RWS&S, Hanumakonda (now Retired) – Implementation of Orders dt. 16.03.2017 in WP No. 4443 of 2017 of Hon'ble High Court, Hyderabad - Orders – Issued.

PANCHAYAT RAJ & RURAL DEVELOPMENT (VIG.I) DEPARTMENT

G.O.Rt.No. 536

Dated: 17-08-2017

Read the following:-

1. From the Chief Engineer, V&QC, RWS&S, Hyderabad Lr.No.AEE1/DEEIII /1151/Irregularities of schemes, Warangal/V&QC/RWS&S, dt.06.05.2013.
2. G.O.Rt.No.1801, PR&RD (Vig.I) Dept., dt. 19.11.2013 r/w G.O.Ms.No.437, PR&RD (Vig.I) Dept., dt. 19.11.2013.
3. Written Statement of Defence of Sri V. Lingaiah, the then EE (Retd.) Warangal District, dt.20.04.2014.
4. Orders dt. 07.09.2015 in O.A.No. 5146/2015 of the Hon'ble APAT.
5. G.O.Rt.No. 76, PR&RD (Vig.I) Dept., dt. 25.01.2016.
6. G.O.Rt.No. 77, PR&RD (Vig.I) Dept., dt. 25.01.2016.
7. Notice from the Assistant Registrar, APAT, Hyderabad dt. 25.07.2016 in CA No. 431 of 2016 in OA No. 5146 of 2015.
8. Govt. Memo No.20448/Vig.I/A2/2013-8, dt.06.08.2016
9. From the Chief Engineer, TDWSP-I, RWS&S, Hyd. & Enquiry Officer, Lr.No. A2/TDWSP/214/2016, dt.04.03.2017.
10. Govt. Memo No.20448/Vig.I/A1/2013-10, PR&RD (Vig.I) Dept., dt.31.05.2017.
11. Orders dt. 16.03.2017 in WP No. 4443 of 2017 of Hon'ble High Court, Hyderabad.
12. Govt. Memo No.20448/Vig.I/A1/2013-17, dt.20.06.2017
13. Show Cause Notice before admission in CC No.1109 of 2017, dt.14.07.2017
14. From the GP for Services, High Court, Hyderabad Opinion No. 88/2017/MVRR/Ser/HC, dt.26.07.2017.

ORDER:

In the reference 2nd read above, charges were framed under Rule 9 of A.P. Revised Pension Rules, 1980 against Sri V. Lingaiah, the then Executive Engineer, RWS&S, Hanumakonda (now Retired), on the allegations of certain irregularities in execution of CPWS Schemes in Warangal District along with Eleven (11) others. In the reference 3rd read above, the Charged Officer has submitted his written statement of defence.

2. The Charged Officer, Sri V. Lingaiah, Executive Engineer, RWS&S, Hanmakonda (Retired) has filed O.A.No. 5146/2015 before the Hon'ble APAT and the Hon'ble APAT in the reference 4th read above has ordered as follows:

"-----

I feel that it is a fit case to direct the respondents to conclude the disciplinary proceedings within certain period, in order to meet the ends of justice.

In the light of the above facts and circumstances, the 1st Respondent (Principal Secretary, PR&RD Department, Secretariat, Hyderabad) is directed to conclude the disciplinary proceedings vide Charge Memo G.O.Rt.No.1801, dt.19.11.2013 within six months from the date of receipt of copy of this order, failing which the respondents are directed to release the retiral benefits notwithstanding the disciplinary proceedings.

The O.A. is disposed of accordingly at the stage of admission."

3. After examining the matter, in the reference 6th read above, orders were issued appointing Chief Engineer, TDWSP, RWS&S, Hyderabad as Enquiry Officer for conducting detailed inquiry against Sri V. Lingaiah, the then Executive Engineer, RWS&S, Hanumakonda (now Retired) and 9 others as per Rule 20 (2) of Telangana Civil Services (Classification, Control & Appeal) Rules, 1991 and the Superintending Engineer, RWS&S, Warangal District was also appointed therein as Presenting Officer and requested the Enquiry Officer to submit the Enquiry Report within 2 months keeping in view of the orders in the reference 4th read above.

P.T.O.

::2::

4. In the meantime, the Charged Officer has filed CA No. 431 of 2016 in OA No. 5146 of 2015 for not implementing the Orders dt. 07.09.2015 in O.A.No. 5146/2015 of the Hon'ble APAT. Counter affidavit has been filed in the matter vide reference 8th read above.

5. In the reference 9th read above, the Enquiry Officer has submitted his Enquiry Report holding that the charge – I is Proved and the charge - II is Not Proved. After examining the matter, since one of the charges (charge-I) is proved, a copy of Enquiry Report has been communicated to the individual along with others with a direction to submit a representation, if any, on the Enquiry Report, under Rule 21 (2) of Telangana Civil Services (Classification, Control & Appeal) Rules, 1991 vide reference 10th read above.

6. The Charged Officer, Sri V. Lingaiah, Executive Engineer, RWS&S, Hanmakonda (Retd.) has filed WP No. 4443 of 2017 before the Hon'ble High Court, Hyderabad. The Hon'ble High Court, Hyderabad in the reference 11th read above has ordered as follows:

"----

That being so, when the Tribunal fixed a time frame of six months to conclude the disciplinary proceedings and the said order was passed as long back as on 07.09.2015, we see no reason as to why the authorities should ignore the rider attached by the Tribunal to the afore stated order. Having failed to complete the disciplinary proceedings within the time stipulated, the authorities are bound to release the retiral benefits of the petitioner not withstanding the disciplinary proceedings. This would be in keeping with the undertaking given by the learned Advocate General for the State of Telangana to a Division Bench of this Court, comprising the Hon'ble The Acting Chief Justice and Hon'ble Sri justice U. Durga Prasad Rao, which was duly recorded vide order dt.30.09.2016 passed in W.P.No. 31905 of 2016, that orders passed by the Tribunal, unless varied or set aside, would be implemented.

The Writ Petition is accordingly allowed. The respondents shall forthwith release the retiral benefits of the petitioner not-withstanding the pendency of the disciplinary proceedings.

Pending miscellaneous petitions, if any shall stand closed in the light of this final order. No order as to costs."

7. In the reference 13th read above, Sri V. Lingaiah, EE, RWS&S Hanmakonda (Retired) has filed CC No.1109 of 2017 in WP No. 4443 of 2017 before the Hon'ble High Court, Hyderabad.

8. Government after careful examination of the entire matter, have decided to implement the Orders dt. 16.03.2017 in WP No. 4443 of 2017 of Hon'ble High Court, Hyderabad. Accordingly, hereby release the retiral benefits of Sri V. Lingaiah, Executive Engineer, RWS&S, Hanmakonda (Retired), subject to further orders in the pending disciplinary proceedings against him.

9. The Engineer-in-Chief, RWS&S, Hyderabad shall take necessary further action in the matter, accordingly.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF TELANGANA)

S.P.SINGH
CHIEF SECRETARY TO GOVERNMENT &
SPECIAL CHIEF SECRETARY TO GOVERNMENT(RWS&S) (FAC)

To

The Engineer-in-Chief, RWS&S, Hyderabad.

The Individual through the Engineer-in-Chief, RWS&S, Hyderabad.

Copy to:

The Accountant General, Telangana, Hyderabad.

The GP for Services, (TS), High Court, Hyderabad.

(with a request to apprise the position in CC No.1109 of 2017 in WP No. 4443 of 2017 to the Hon'ble High Court)

SF/SC

//FORWARDED ::BY ORDER//

SECTION OFFICER